

REMARKS/ARGUMENTS

1.) Claim Status

Claims 2, 5-8, 12-15, 17, 25-29, and 32-38 are pending in the application. The Applicants have amended claims 34 and 36. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 112

In paragraph 2 of the Office Action, the Examiner rejected claims 34 and 36 under 35 U.S.C. § 112, second paragraph, for being indefinite. Regarding claim 34, the Examiner stated that the limitation “the sequential order of said buffered background noise parameter” lacks antecedent basis. The Applicants have amended claim 34 to recite:

34. The apparatus of Claim 17, wherein the output is adapted to select the at least one perturbed comfort noise parameter value based upon a sequential order of the background noise parameter values provided from the receiver buffer.

The Applicants respectfully submit that amended claim 34 has proper antecedent basis in base claim 17. Therefore, the withdrawal of the rejection and the allowance of amended claim 34 are respectfully requested.

Regarding claim 36, the Examiner stated that the limitation “the frequency of selection of said perturbed comfort noise parameter” lacks antecedent basis. The Applicants have amended claim 36 to recite:

36. The apparatus of Claim 17, wherein the output includes means for setting to a predetermined value, a frequency at which perturbed comfort noise parameter values are selected.

The Applicants respectfully submit that amended claim 36 has proper antecedent basis in base claim 17. Therefore, the withdrawal of the rejection and the allowance of amended claim 36 are respectfully requested.

3.) Allowable Subject Matter

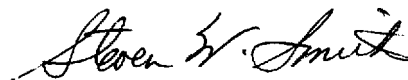
The Applicants gratefully acknowledge the allowance of claims 2, 5-8, 12-15, 17, 25-29, 32-33, 35, and 37-38. The Examiner included claim 1 in the allowed claims, but claim 1 was canceled in the Amendment filed March 11, 2005.

CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 2, 5-8, 12-15, 17, 25-29, and 32-38.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would expedite the prosecution of the Application.

Respectfully submitted,



Steven W. Smith
Registration No. 36,684

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Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-1572
steve.xl.smith@ericsson.com